

#### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested. Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

#### **Status of Claims**

Claims 40-54 are pending in the application, of which claims 42-54 were withdrawn from consideration. Claims 40 and 41 were rejected. Claim 49 was objected to.

Claims 41-46, 48-51 and 53 were amended. Applicants respectfully assert that the amendments do not introduce new matter.

Claims 40 and 47 were cancelled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

#### **ALLOWABLE SUBJECT MATTER**

Applicants thank the Examiner for indicating that claim 49 contains allowable subject matter. The Examiner has indicated that claim 49 although previously withdrawn would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicants have amended claim 49 to be rewritten in independent form. Accordingly amended claim 49 is now allowable. Further, Applicants have amended claims 41-46, 48, 50-51 and 53 to be dependent from allowable claim 49. Accordingly, all pending claims are allowable and should be rejoined with claim 49.

#### **CLAIM REJECTIONS**

##### **35 U.S.C. § 102 Rejections**

In the Office action, the Examiner rejected claims 40 and 41 under 35 U.S.C. § 102(b), as being anticipated by Cowger et al. (US 5,788,388, hereinafter "Cowger").

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Claim 40 was cancelled and therefore the rejection is now moot. Claim 41 was amended to be dependent from amended claim 49 indicated by the Examiner as allowable. Cowger fails to teach or fairly suggest and the Examiner acknowledged in the Office action that Cowger fails to teach or fairly suggest "wherein upon lowering of the level of said building material in any one of said two or more cartridge apparatuses to a pre-determined amount, said valve matrix is adapted to automatically switch material sources", as recited by claim 49. Accordingly, claim 49 and its dependent claim 41 are allowable.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. § 102(b) of claims 40-41.

### **Conclusion**

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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